REMARKS

Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 1-2 and 4-13 are pending in the present application. Claim 3 has been canceled by the present amendment. Claim 1 and 13 herewith are amended.

The specification has been amended to address the reference listing issue noted on page 2 of the Office Action. Further, Applicant is submitting an IDS listing the references set forth on page 13 of the specification.

Relying on 35 U.S.C. 102(b), claims 1-13 were rejected as being anticipated by Klees et al. (US patent No. 6,407,767), referred to as "Klees". Applicant(s) respectfully traverse this rejection, and request reconsideration.

Klees teaches combining on a photosensitive medium both calibration patches, and Figure 2 shows that barcodes comprise black and white pixels that somehow encode data. Klees fails to explicitly teach that the calibration patches cover the range of exposure of the barcodes and the pixels thereof. Such a feature could at best be implicitly derived from an assumption that the calibration patches cover the possible range of exposure of the medium and that in turn the pixels, on the medium are within such range. However, it is respectfully submitted that Klees still fails to teach or suggest the claimed feature that the data are encoded in an encoding base with rows N more than 3, and that the preset function links preset energy exposure values to each of the possible values of data encoded in the base with row N. This feature is based on claim 3 as originally filed. In these respects, figure 2 shows barcodes whose pixels seem to be black and white or at least dark and light. This typically corresponds to an encoding base with row 2, i.e. a binary base. The reading of figure 2 is confirmed by figure 4 and the description in column 6, lines 19-27 and lines 39-54, which explain how the barcodes are exposed. Although different filters [116] may be interposed in the light path such filters are chosen with respect to the type of film for appropriate color

correction (column 6, lines 39-44). The formation of the pixels of the barcode is made by the LCD array and which acts merely as a light valve (column 6, lines19-26). Since the light passes through the same color filter for all pixels and since it is modulated by a light valve only two levels of gray can be obtained depending on whether the valve is open or not. These two levels of gray, correspond to the "black and white" pixels shown in figure 2 and confirm an encoding base with row 2.

Klees therefore fails to teach a coding in a base with rows N more than 3 as required by claim 1.

Claim 13 as amended also contains the limitation of encoding marks with a number of density levels more than 3. In Klees the pixels of the barcodes encode data. The pixels can have two density levels depending on the on/off state of the corresponding element light valve of the LCD light valve array [126]. It is therefore believed that Klees fails to teach the feature of a number of density levels of a given photographic support being more than 3. Claim 13 is therefore believed to be allowable over Klees.

Accordingly, claims 1 and 13, as well as claims 2, 8 and 9 which depend on claim 1 are believed to be allowable over the reference to Klees.

Claim 13 was further rejected under 35 U.S.C. as being anticipated by Reem et al, U.S. patent No.5,667,944, referred to as "Reem". Claim 13 has been amended so as to now specify that the marks encode digital data in a base with rows N more than 3 respectively with N density levels, and that the sensitometry control comprises exposure ranges distinct from the marks.

Should the patches [14] in Reem be read on the encoding marks of claim 13, then Reem would in turn fail to teach a sensitometry control with exposure ranges distinct from the encoding marks.

Should the patches [14] in Reem be read on the exposure ranges of claim 13, then Reem would fail to teach the marks encoding data in a base with row N more that 3 that correspond to N density levels.

The images [12] may certainly have a continuum of levels of gray but are not coded in any limited number N of levels of gray on the film. After the images are scanned, the signal generated by the scanner may be digital and may therefore implicitly be coded in a base of a given row N, this base does then however not correspond to a coding on the film and the film is not limited to a number of gray levels linked to the rows of such base. It is therefore believed that claim 13 is allowable over the reference to Reem.
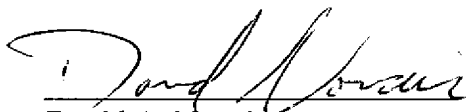
Claims 4, 5, 7 and 10-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Klees in view of Reem.

Claims 4, 5, 7 and 10-12 depend either directly or indirectly from claim 1 and set forth further unique features of the invention which are also not believed to be shown or suggested in Klees or Reem, whether considered individually or in combination. Accordingly, these claims are also believed to be allowable.

In view of the foregoing remarks and amendment, it is submitted that the inventions defined by each of claims 1-2 and 4-13 are patentable, and a favorable reconsideration of this application is therefore requested.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.